

**AMENDMENTS TO THE CLAIMS**

1. (Currently amended) An isolated nucleic acid molecule that has promoter activity specific to the endosperm and that comprises a DNA sequence selected from the group consisting of :
  - a. a sequence as depicted in ~~any one of~~ ~~as~~ SEQ ID No: 1 to 3, or SEQ ID No: 62; and
  - b. a fragment of a sequence as defined in (a), wherein said sequence has promoter activity specific to the endosperm;
  - c. ~~a sequence that has at least 70 % sequence identity with a sequence as defined in (a), wherein said sequence has promoter activity specific to the endosperm;~~
  - d. ~~a sequence hybridizing with the complementary strand of a sequence as defined in (a) and/or (b) under stringent conditions, wherein said sequence has promoter activity specific to the endosperm; and~~
  - e. ~~a sequence that comprises a nucleotide sequence which is conserved among at least two of SEQ ID No: 1 to 3 or SEQ ID No: 62.~~
2. (Original) The isolated nucleic acid molecule according to Claim 1, which has a maternal parent-of-origin pattern of expression.
3. (Previously presented) The isolated nucleic acid molecule according to Claim 1, which has been isolated from a plant selected from the group consisting of maize, teosintes, rice, sorghum, wheat, barley, rye, pea, and sugar cane.
4. (Previously presented) An expression cassette comprising a nucleic acid molecule having promoter activity specific to the endosperm according to Claim 1 operatively linked to at least one gene of interest.
5. (Original) The expression cassette according to Claim 4, wherein said gene of interest is selected from the group consisting of a sequence that encodes a peptide or a protein, an antisense RNA sequence, a sense RNA sequence and a ribozyme.

6. (Previously presented) The expression cassette according to Claim 4, in which the gene of interest encodes a protein selected from the group consisting of a protein involved in development of the embryo and/or of the endosperm, in determination of seed size and/or quality, in cell growth, or in sugar or fatty acid metabolism, in nutrient transfer, of a toxic protein, a transcription inhibiting protein, and a protein improving resistance to pathogens.
7. (Previously presented) The expression cassette according to Claim 4, which further comprises a selection marker gene for plants.
8. (Previously presented) The expression cassette according to Claim 4, which further comprises a gene encoding a MRP1 protein.
9. (Previously presented) An expression vector containing at least an expression cassette according to Claim 4.
10. (Original) A host cell containing at least a vector according to Claim 9.
11. (Original) A transgenic plant, or a part of a transgenic plant comprising a cell according to Claim 10.
12. (Original) The plant or part of a plant according to Claim 11, wherein said plant or part of plant is a cereal or oily plant.
13. (Original) The plant or part of a plant according to Claim 12, which is from the group consisting of maize, rice, wheat, barley, rape, and sunflower.

14. (Previously presented) A hybrid transgenic plant obtained by crossing plants as defined in Claim 4.

15. (Previously presented) A method of obtaining a plant having improved agronomic qualities and/or improved resistance to a pathogen, comprising the steps consisting of :

- a. transforming at least one plant cell by means of at least a vector according to Claim 9;
- b. cultivating the cell(s) thus transformed so as to generate a plant containing in its genome at least an expression cassette according to Claim 4, whereby a plant having improved agronomic qualities and/or improved resistance to a pathogen is obtained.

16. (Cancelled)

17. (Withdrawn) An isolated nucleic acid molecule encoding a plant basal endosperm transfer cell layer (BETL) protein that comprises a sequence selected from the group consisting of :

- a. a nucleotide sequence encoding a protein consisting of an amino acid sequence as depicted in any of SEQ ID No: 6, 8, 10, 53, 12, 14 and 16, and variants thereof;
- b. a nucleotide sequence as depicted in any of SEQ ID No: 5, 7, 9, 11, 13, 15 and 58;
- c. a sequence hybridizing under stringent conditions with the complementary strand of a nucleic acid molecule as defined in (a) or (b);
- d. a sequence encoding a fragment of a protein encoded by a sequence as defined in any one of (a) to (c).

18. (Withdrawn) The isolated nucleic acid molecule according to Claim 17, which has been isolated from a plant selected from the group consisting of maize, teosintes, rice, wheat, barley, rye, pea, sorghum, and sugar cane.

19. (Withdrawn) An expression cassette comprising a nucleic acid molecule according to Claim 17 operatively linked to regulatory elements allowing the expression in prokaryotic and/or eukaryotic host cells.
20. (Withdrawn) The expression cassette according to Claim 19 which further comprises a selection marker gene for plants.
21. (Withdrawn) An expression vector containing at least an expression cassette according to Claim 19.
22. (Withdrawn) A host cell containing at least a vector according to Claim 21.
23. (Withdrawn) A transgenic plant, or a part of a transgenic plant, comprising stably integrated into its genome a nucleic acid molecule of Claim 17, operatively linked to regulatory elements allowing transcription and/or expression of the nucleic acid molecule in plant cells.
24. (Withdrawn) The plant or part of a plant according to Claim 23, wherein said plant or part of plant is a cereal or oily plant.
25. (Withdrawn) The plant or part of a plant according to Claim 24, wherein said plant is selected from the group consisting of maize, rice, wheat, barley, rape, and sunflower.
26. (Withdrawn) A plant basal endosperm transfer cell layer (BETL) protein or biologically active fragment thereof encoded by a nucleic acid molecule of Claim 17.
27. (Withdrawn) A plant basal endosperm transfer cell layer (BETL) protein that comprises the amino acid sequence shown in SEQ ID NO: 54.

28. (Withdrawn) A method for improving plant pathogen resistance, comprising the steps consisting of :

a) transforming at least a plant cell by means of at least a vector according to

Claim 21;

b) cultivating the cell(s) thus transformed so as to generate a plant containing in its genome at least an expression cassette according to Claim 19, whereby a plant with improved pathogen resistance is obtained.

29. (Withdrawn) A method for improving the agronomic quality of a plant, comprising the steps consisting of :

a) transforming at least a plant cell by means of at least a vector according to

Claim 21;

b) cultivating the cell(s) thus transformed so as to generate a plant containing in its genome at least an expression cassette according to Claim 19, whereby a plant with improved agronomic quality is obtained.

30. (Withdrawn) A method of claim 29, wherein said plant exhibits an increased seed size.